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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,429	09/24/2003	James D. King	2170-2-3	5811

996 - - - - - 7590 - - - - - 12/28/2004

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EXAMINER

YAN, REN LUO

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,429

Applicant(s)

KING, JAMES D.

Examiner

Ren L Yan

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) 47-85 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election with traverse of Group I, claims 1-46 in the reply filed on 10-12-2004 is acknowledged. The traversal is on the ground(s) that to examine the non-elected Group II claims 47-55 and 84 together with the elected claims 1-46 would not require undue searching. This is not found persuasive because applicant's argument is merely a statement of conclusion without being substantiated by any facts. Accordingly, non-elected claims 47-85 have been withdrawn from further consideration.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-16, 19-21, 24-26, 29-31, 34-36 and 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winston(6,244,180) in view of Yamamoto et al(5,203,913). The patent to Winston teaches the detailed structure and method of a stamp kit as claimed including a base 26 for holding stamp pads 168b to provide ink to stamps 174, an ink eraser, an ink refill bottle 170, a self-inking stamp 334 with a ink-containing pad 332, a substrate or board 328, and a lid 24 for covering the base 26 when the stamp kit is not in use. See Figs. 1-27 in Winston for details. In column 7, last paragraph, Winston teaches that the stamps 174 could be in a form of an eraser which indicates that the ink used by the stamp kit is an erasable type. However, Winston does not specifically state that a dry erasable ink is used by the stamp kit. In

Art Unit: 2854

order for the rejection to be complete, the patent to Yamamoto et al is applied to show that dry erasable ink used by a stamp and erasable by a rubber eraser is well known. See the paragraph bridging columns 1 and 2, and the text in column 3, lines 40-43 in Yamamoto et al for example. In view of the teaching of Yamamoto et al, it would have been obvious to those having ordinary skill in the art to provide the stamp kit of Winston with the dry erasable ink as taught by Yamamoto et al in order to achieve high storage stability as well as for its easily erasable property by a conventional rubber eraser.

Claims 3, 17, 22, 27, 32 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Winston in view of Yamamoto et al as applied to claims 1, 16, 21, 26, 30 and 36 above, and further in view of Turner(6,019,535). Winston, as modified by Yamamoto et al, teaches all that is claimed except that the eraser is not adhered directly to the base or the lid. Turner teaches a writing pen having an eraser 3 adhered directly on the cover 4. See Figs. 1-3 in Turner for example. Turner also teaches in column 3, lines 35-45 that the eraser can be mounted anywhere on the cover or body of the writing pen and still be effective. In view of the teaching of Turner, it would have been obvious to one of ordinary skill in the art to provide the stamp kit of Winston, as modified by Yamamoto et al, with the eraser adhered directly to the lid or the base for the ease of use of the eraser based upon personal preference of the user.

Claims 4, 18, 23, 28, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winston in view of Yamamoto et al as applied to claims 2, 16, 21, 26, 30 and 36 above, and further in view of Egli(2002/0093814). Winston, as modified by Yamamoto et al, teaches all that is claimed except for the eraser being attached to the stamp kit housing by a tether. Egli teaches a note board having an eraser 14 attached to the housing of the note board

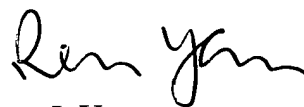
Art Unit: 2854

via a tether 13. See Figs. 1 and 2 and page 2, paragraph [0020] in Egli for example. It would have been obvious to one of ordinary skill in the art to provide the stamp kit of Winston, as modified by Yamamoto et al, with the eraser attached to the base or the lid via a tether as taught by Egli so that the eraser will not get lost.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ren L Yan
Primary Examiner
Art Unit 2854

Ren Yan
Dec. 22, 2004